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NO. OF PAGES (including this page): 3

TO: Examiner Amy DeCloux

Art Unit: 1644

FAX: (703) 305-3014

FROM: Sheela Mohan-Peterson

DATE: September 18, 2002

RE: DX01042X

USSN: 09/658,699

Filed: September 8, 20000

Title: MAMMALIAN GENES; RELATED REAGENTS AND METHODS

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Lois E. Miller at (650) 496-1183

Attached please find:

1. Response to Restriction Requirement 2 pages
(Species Election)

I hereby certify that this correspondence is being faxed to Assistant Commissioner for Patents, Washington, D. C., 20231, Attn: Examiner Amy DeCloux, at 703-305-3014, on September 18, 2002

September 18, 2002

Lois E. Miller

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PATENT

Atty. Docket No. DX01042X

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(703) 740-4902 Attention: Examiner DeCloux, ART UNIT 1644.

CN 028008

Date: September 18, 2002 By: LE Miller
Lois E. Miller

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Oppmann, et al.

Serial No.: 09/658,699

Filed: September 8, 2000

For: MAMMALIAN GENES; RELATED
REAGENTS AND METHODS

Examiner: Amy DeCloux

Art Unit: 1644

RESPONSE TO RESTRICTION
REQUIREMENT

Palo Alto, California 94304

September 18, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

Honorable Sir:

This is a response to the Restriction Requirement (Species Election)
dated August 27, 2002 (paper 15).

The Examiner imposed a species election to either SEQ ID NO:2 or SEQ
ID NO:4, and to one species of mammalian p40 polypeptide, such as one derived
from mouse or human.

Applicants select SEQ ID NO:2 and human p40.

Applicants will address the issue of inventorship for the elected species
and amend inventorship appropriately if the species election is made final.

Applicants reserve the right to file subsequent applications claiming the
non-elected subject matter and do not waive any of their rights or abandon any
non-elected subject matter. Since Applicants have fully and completely

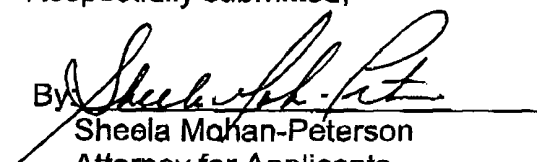
responded to the Restriction Requirement and have made the required election, this application is now in order for early action.

Applicants believe that no fees are due with this communication. Should this not be the case, the Director is hereby authorized to debit any changes or refund any overpayments to DNAX Deposit Account No. 04-1239. If the Examiner believes that a telephone conference would expedite the prosecution of this case in any way, please call the undersigned.

Respectfully submitted,

Date: September 18, 2002

By


Sheela Mohan-Peterson
Attorney for Applicants
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